

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL LARUE BROWN,  
Plaintiff,  
v.  
LIEUTENANT BASS, et al.,  
Defendants.

Case No. [23-cv-04392-TLT](#)

**ORDER OF DISMISSAL**

Plaintiff, a state prisoner incarcerated at San Quentin Rehabilitation Center (SQRC), filed a *pro se* civil rights action under 28 U.S.C. § 1983. ECF 10. He has filed a request to voluntarily dismiss this case without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A). ECF 20. Fed. R. Civ. P. 41(a)(1) provides that a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, and that such dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1). Defendants in this case have filed a motion to dismiss. Fed. R. Civ. P. 41(a)(2) explains that where subpart (a)(1) does not apply, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” The Court therefore construes plaintiff’s request for voluntary dismissal as pursuant to Fed. R. Civ. P. 41(a)(2), and the request is GRANTED. Defendants have not pleaded any counterclaims that would make dismissal inappropriate. This action is DISMISSED without prejudice. The Clerk shall terminate any pending motions, enter judgment against plaintiff and in favor of defendants, and close the case.

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United States District Court  
Northern District of California

**IT IS SO ORDERED.**

Dated: May 21, 2024



TRINA L. THOMPSON  
United States District Judge